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FISCAL IMPACT STATEMENT

LS 6508

BILL NUMBER: SB 307

NOTE PREPARED: Feb 22, 2010

BILL AMENDED: Feb 16, 2010

SUBJECT: Courts in Bartholomew, Clark and Floyd Counties.

FIRST AUTHOR: Sen. Sipes

FIRST SPONSOR: Rep. Robertson

BILL STATUS: As Passed House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

- A. Floyd County – It provides that in Floyd County: (1) the Floyd Circuit Court has exclusive jurisdiction over probate and trust matters; and (2) the Floyd Circuit Court and Floyd Superior Court No. 3 have concurrent juvenile jurisdiction.
- B. *Bartholomew Superior Court No. 3* – It establishes the Bartholomew Superior Court No. 3 effective July 1, 2011. It requires the Governor to appoint the initial judge of the Bartholomew Superior Court No. 3 for a term beginning July 1, 2011, and ending December 31, 2012. It provides that the initial election of the judge of the Bartholomew Superior Court No. 3 is the general election on November 6, 2012. It requires the Bartholomew Circuit and Superior Courts to impose and collect an infraction judgment for each traffic violation in Bartholomew County with the advisory infraction judgment amount being \$50. It provides that, if at the end of a fiscal year the county auditor of Bartholomew County and the state Office of Management and Budget determine that the amount of money deposited in the state General Fund that is equal to \$50 multiplied by the total number of infraction judgments imposed and collected for each traffic violation in Bartholomew County was less than the amount of the salary paid by the state to the judge of the Bartholomew Superior Court No. 3, the Treasurer of Bartholomew County Shall Transfer to the Auditor of State for Deposit in the State General fund an amount equal to the difference between: (1) the amount of money deposited in the state General Fund; and (2) the amount of the salary paid by the state for the judge of the Bartholomew Superior Court #3; during the previous fiscal year.
- C. *Clark County Unified Circuit Court* – It establishes a unified circuit court for Clark County on January 1, 2011, by combining the current judge of the Clark Circuit Court and the three judges of

the Clark Superior Courts into a unified circuit court with four judges. It specifies that the Clark Superior Court judges serving on December 31, 2010, serve as judges of the unified Clark Circuit Court. It transfers all cases and other matters pending in the Clark Superior Courts at the close of business on December 31, 2010, to the Clark Circuit Court on January 1, 2011. It repeals provisions concerning the establishment and operation of the Clark Superior Courts.

Effective Date: (Amended) Upon passage; July 1, 2010; January 1, 2011.

Explanation of State Expenditures: (Revised) *Bartholomew County Superior Court #3*– The estimated total compensation (base salary and fringe benefits) of a judge during FY 2012 is \$164,553. Future salary increases will depend on legislative or administrative actions (see IC 33-38-5-8.1).

Salaries and Benefits for Judge	
<u>Benefits</u>	
Salary	\$125,648
Life Insurance	\$362
Indiana Judicial Conference	\$1,000
Social Security	\$9,612
Retirement	\$11,685
Disability Insurance	\$2,865
Deferred Compensation Match	\$390
Health, Dental, and Vision (blended rate)	\$12,991
Total Cost Per Judicial Officer	\$164,553

The added costs to the state for the new judge could be offset if the Bartholomew Superior Courts were to increase the judgments for at least half of all traffic infraction cases by an additional \$30 over the current level that they charge.

Explanation of State Revenues: (Revised) *New General Fund Revenue from Infraction Judgments in Bartholomew County* – The bill provides that at the end of each fiscal year, Bartholomew County and the state Office of Management and Budget are to reconcile by calculating the difference between the new costs of the judge and an amount equal to \$50 times the number of infractions cases in Bartholomew County. If the costs of the judge are greater than the calculated amount, Bartholomew County will transfer the difference to the state.

Bartholomew County reports that the current infraction judgement is \$20. A new infraction judgment advisory amount that the court may voluntarily consider to impose would be \$50. For Bartholomew County to recover the entire cost of the new judge from the advisory infraction amount, Bartholomew County's courts would have to assess the \$50 on half of all traffic infractions that have a guilty verdict.

The following table shows a history of infractions filed and disposed and the judgements collected since 2005 in Bartholomew County.

Infractions Filings, Dispositions and Judgments in Bartholomew County between CY 2005 and 2009				
CY	Filings	Dispositions	Infraction Judgments	Average Collected
2005	8,596	9,174	\$273,797	\$29.84
2006	11,479	10,473	\$230,852	\$22.04
2007	12,574	12,322	\$322,853	\$26.20
2008	13,384	13,190	\$346,413	\$26.26
2009 (est.)	11,694	11,533		
Note: Average number of infractions disposed in Bartholomew County between 2005 and 2009 is 11,338 .				

Bartholomew Courts indicate that traffic infractions make up almost 99% of all infractions cases in their county. Bartholomew County's courts could begin increasing the infraction judgments charged in traffic cases by an additional \$30 beginning July 1, 2010. The following table shows the new revenue that would be deposited in the state's General Fund if half of all infractions are assessed \$50 instead of \$20, and all defendants in these cases pay the added infraction judgment. Bartholomew County estimates a current collection rate of 85% on infraction judgments.

Estimated Revenue to State General Fund Based on 50% Collection Rate					
5-Year Average Dispositions		Added Infraction Judgment		Percentage of Cases Added Fee is Imposed on	New Money
11,338	x	\$30	x	50%	= \$170,070

The net revenue to the state General Fund would be \$5,500 based on this assumed collection rate.

Net Revenue for State General Fund Assuming	
New Revenue From Infraction Judgments	\$170,070
Added Expenditures for Bartholomew Superior Court #3	<u>\$164,553</u>
Net Revenue for State General Fund	\$5,517

By IC 34-28-5-4, infraction judgments are deposited in the state General Fund. Under IC 34-28-5-4, the maximum judgments for infractions is \$500 for Class C infractions, \$1,000 for Class B infractions, and \$10,000 for Class A infractions.

Explanation of Local Expenditures: *Floyd County* – Juvenile cases in Floyd County comprised an estimated 22% of the Circuit Court's workload. This bill would permit these cases to be shared between these two courts.

(Revised) *Bartholomew County Superior Court #3* – Counties pay for court space and court staff. Bartholomew County has existing court space that could be used by the new judge of the Bartholomew County Superior Court #3.

Bartholomew County has an existing part-time support staff. To fully support the new court, Bartholomew County would also require a court reporter and two new clerical staff.

(Revised) *Bartholomew County's Weighted Caseload Estimates Based on CY 2008 Filings* – Bartholomew County has three judges, one magistrate, and a county-paid court commissioner (2/3's of the commissioner's salary is reimbursed from Title IV-D funds).

The following table shows the weighted caseload analysis of these three courts in CY 2008 and the number of judicial officers that each court needs to dispose of its workload. The *Weighted Caseload Study* published by the Indiana Supreme Court's Division of State Court Administration can identify the efficiencies of the current court systems.

This study is based on a methodology that assigns a normative amount of time that each type of case would take to be resolved. Criminal cases, particularly capital murder cases, take the longest amount of time, while disposing infractions and ordinance violation cases takes the least.

Based on the number of filings that each court receives and the average time that each case should require to make a decision, the weighted caseload method can estimate the number of judicial officers needed to decide these cases within this normative framework. The "Need" column represents the number of judicial officers that the court needs to resolve its mixture of cases based on the average number of minutes needed for each case category. The "Have" category represents the number of judicial officers that each court has available. The "Utilization" is simply the "Need" divided by the "Have".

2008 Weighted Caseload Analysis – Bartholomew County			
	Need	Have	Utilization
Bartholomew Circuit Court	2.27	2.10	1.08
Bartholomew Superior Court 1	1.69	1.01	1.68
Bartholomew Superior Court 2	2.31	2.05	1.13
Total/Average	6.28	5.16	1.22

Overall, the average utilization rate for Bartholomew County's courts is 1.22, which means each court on average needs 1.22 judicial officers to dispose of the cases that it had in 2008. This compares to a statewide average utilization rate of 1.25.

(Revised) *Clark County Unified Court System* – This bill could, at a minimum, redistribute the workload between the courts in Clark County, depending on the rules and agreements that these judges agree upon.

(Revised) *Weighted Caseload Analysis* – The following table shows the weighted caseload analysis of the four courts in CY 2008 and the number of judicial officers that each court needs to dispose of its workload.

2008 Weighted Caseload Analysis – Clark County			
Court	Need	Have	Utilization
Circuit Court	2.14	1.1	1.95
Superior Court #1	2.58	1.6	1.61
Superior Court #2 (Drug Court)	2.16	1.0	2.16
Superior Court #3	3.63	1.5	2.42
Total for Clark County	10.51	5.2	2.02

Overall, the average utilization rate for Clark County's courts is 2.02, which means each court on average needs 2.02 judicial officers to dispose of the cases that it had in 2008. This compares to a statewide average utilization rate of 1.25.

[Note: Superior Court #2 reports having a drug court. The weighted caseload statistics do not fully reflect the extra time associated with processing drug court cases.]

Explanation of Local Revenues:

State Agencies Affected: Indiana Judicial Center, Division of State Court Administration.

Local Agencies Affected: Bartholomew, Clark, and Floyd County Courts.

Information Sources: *Indiana Judicial Report, 2008.*

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